

SIKKIM

GOVERNMENT **GAZETTE**
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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 03/LD/16

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NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 29th day of March, 2016 is hereby published for general information:-

THE SIKKIM STATE HIGHER EDUCATION COUNCIL ACT, 2016
(ACT NO. 03 OF 2016)

AN

ACT

to provide for establishment of a State Higher Education Council in Sikkim and to maintain the standards of coaching, examination and research in Universities and affiliated colleges in Sikkim for the purpose of smooth implementation of Rashtriya Uchchatar Shiksha Abhiyan (RUSA) in the State of Sikkim and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Sixty-seventh Year of the Republic of India as follows:

Short title and commencement	1. (1) This Act may be called the Sikkim State Higher Education Council Act, 2016. (2) It shall come into force at once.
Definition	2. In this Act, unless the context otherwise requires, (a) "Chairman" means the Chairman of the State Council;

(n) "University Grants Commission" means the University Grants Commission Established under section 4 of the University Grants Commission Act, 1956;

(o) "Vice Chancellor" means the Vice Chancellor of a university, and includes the Director of a University;

(p) "Principal" means principal of a Government College, University College, Engineering or Technological college, medical college or any such college established under the law.

Constitution of Sikkim State Higher Education Council

3. (1) The Government may, by notification, constitute a State Council for the purpose of this Act to be known as the Sikkim State Higher Education Council, with effect from such date as may be specified in the notification.

(2) The State Council shall be a body corporate with perpetual succession and a common seal and shall sue and be sued by the name of the Sikkim State Higher Education Council.

(3) The headquarters of the State Council shall be located in Gangtok.

Composition of the State Council

4. (1) The State Council shall consist of the following members, namely: -

(a) **Chairman and Vice Chairman**

(i) Minister-in-Charge, Human Resource Development Department, shall be the ex-officio Chairman of the State Council;

(ii) A Vice-Chairman should be an eminent educationalist/ educational administrator to be appointed by the Government.

(b) **Ex-officio Members**

(i) Secretary, University Grants Commission, or his nominee not below the rank of a Joint Secretary, University Grants Commission.

(ii) Secretary-in-Charge, Human Resource Development Department, Government of Sikkim and State Project Director (RUSA).

(iii) Secretary-in-Charge, Health Care, Human Services and Family Welfare Department, Government of Sikkim.

Provided further that it shall be competent for the Government to make any appointment under this sub-section for a term of less than 4 (four) years if it considers necessary to do so:

Provided also that the Vice-Chairman or any other member (other than ex-officio member) who incurs any disqualification under the rules made in this behalf shall cease to hold the office of the Vice-Chairman or of the member of the State Council.

- (2) The Vice-Chairman or any other member (other than ex-officio member) may resign from his/her office by writing under his/her hand addressed to the Government, and every such resignation shall take effect from the date on which it is accepted by the Government.
- (3) The Vice-Chairman or any other member (other than an ex-officio member) shall not be removed from his/her office except by an order of the Government on the ground of willful omission or refusal to carry out the provisions of this Act or abuse of the powers vested on him/her and after such inquiry as may be, shall be given an opportunity of making his/her representation against such removal.
- (4) A member of the State Council by virtue of his acquiring financial or other interest shall cease to be a member of the State Council and be removed as a member in accordance with this Act.
- (5) If any casual vacancy occurs in the office of the Vice-Chairman or any other member (other than an ex-officio), whether by reason of his death, resignation or inability to discharge his function owing to illness or other capacity or for any other reason, such vacancy shall be filled by the Government as soon as may be in the manner provided in sub-section (1). Such Vice-Chairman or nominated or appointed member shall hold office only for the remainder of the term for which the person whose place he/she fills would have remained as the Vice-Chairman or nominated or appointed member, as the case may be.
- (6) The office of the Vice-Chairman and the Members, and the terms and conditions of service of the Vice-Chairman and other members shall, subject to the provisions of this sub-section, be such as may be prescribed.

Secretary or any other officer of the State Council authorized in the like manner in this behalf.

Functions of the State Council

12. (1) It shall be the general duty of the State Council to co-ordinate and determine standards in institutions of higher education or research and scientific and technical institutions in accordance with the guidelines issued by the University Grants Commission from time to time.

The State Council shall have the following functions, namely:-

- (i) **Planning and Co-ordination**
 - (a) to prepare consolidated programs in the sphere of higher education in the State, keeping in view the guidelines that may be issued by the University Grants Commission or by the Ministry of Human Resource Development separately from time to time and to assist in their implementation, bearing in mind the overall priorities and perspectives of higher education in State;
 - (b) to co-operate with the University Grants Commission in respect of determination and for maintenance of standards of Higher Education and suggest remedial action, wherever necessary;
 - (c) to evolve prospective plans for development of Higher Education in the State;
 - (d) to forward the development programs of Universities and Colleges in the State to the University Grants Commission along with its comments and recommendation;
 - (e) to monitor the progress of implementations of such developmental programs;
 - (f) to promote co-operation and co-ordination of the educational institutions among themselves and explore the scope for interaction with industry and other related establishment;
 - (g) to formulate the principles as per the guidelines of the Government and the University Grants Commission for starting new educational institutions, keeping in view the various norms and requirements to be filled;
 - (h) to suggest ways and means of mending additional resources for education in the State;

research needs of the State. (iii) regarding improvement on the laws relating to the Universities including laws relating to the establishments of new Universities. (iv) on the policy of earning "while learning", (v) towards performing any other functions necessary for the furtherance of higher education in the State;

(b) to advise the Universities to make new Statutes, Ordinances or Regulations on the basis of the respective university Act or to amend the existing Statutes, Ordinances or Regulations where necessary, keeping in view the various norms and requirements to be fulfilled.

Roles and Responsibilities of Member Secretary

13. The Member Secretary shall-

- (a) call the meeting of the State Council as and when required; prepare the agenda for the meeting, record the minutes and proceedings of the State Council meetings;
- (b) do the correspondence with all the concerned for smooth functioning of the State Council;
- (c) issue of directives/circulars as advised by the State Council;
- (d) manage the State Council funds, maintain the fund flow statements, prepare statutory financial statements with the approval of State Project Director (RUSA);
- (e) report to authorities of the State Council;
- (f) do any other matter, as may be advised by the State Council.

Funds of Council

14. (1) The State Council shall have its own Fund to be called the Sikkim State Higher Education Council Fund (hereinafter referred to as the fund) consisting of the grants from the Government, grants received from the Central Government or from the UGC for higher education and such other funds as may be received by the State Council from any other source.

(2) The Government may pay to the State Council in each financial year such sum as may be considered by the Government to be necessary for the functioning of the State Council.

Annual Report	17. The State Council shall prepare an annual report once in every year, in such form and at such time as may be prescribed, giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Government, and the Government shall cause the same to be laid before the State Legislature. A copy of the report shall also be sent to the University Grants Commission.
Books of Accounts, Audit and Statutory Reports	18. (1) The State Council shall maintain such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed. (2) The State Council shall, as soon as may be after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Government by such date, as the Government may determine. (3) The accounts of the State Council shall be audited by such authority, at such times, and in such manner, as may be prescribed. (4) The annual accounts of the State Council together with the audit report thereon shall be forwarded to the Government and the Government shall cause the same to be laid before the State Legislature, and shall also forward a copy of the audit report to the State Council for taking appropriate action on the matters arising out of the audit report.
Furnishing of Returns to the Government	19. (1) The State Council shall furnish to the Government such return or other information with respect to its property or activities as the Government may from time to time require. (2) The State Council shall be competent to seek such returns, report and information from any University or College as it may consider necessary for the performance of its functions.
Inspection and Enquiry	20. (1) The Government shall have the right to cause an inspection to be made by an officer, not below the rank to Joint Secretary to the Government, authorized by it, of the State Council and also to cause an enquiry to be made in to the work done by the State Council in respect of any matter entrusted to it. The Government shall in every case give notice to the State Council of its intention to cause such inspection or inquiry to be made the State Council shall be entitled to be represented there at. The officer making the inspection or inquiry shall inform the Government of the results thereof.

(a) regulating the meeting of the State Council and the procedure for conducting business there at under section 7, and regulating the manner in which and the purposes for which persons may be associated with the council under section 9 of the Act.

(2) No regulation shall be enforced under this section except with the previous approval of the Government.

Power to remove difficulties

24. If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary for removing the difficulty.

(Lakchung Sherpa) SSJS
L.R.-cum-Secretary,
Law Department.